

MINUTES OF MEETING
City Council of Peachtree City
August 16, 1990

The City Council of Peachtree City met in regular session on Thursday Night, August 16, 1990, at 7 PM in the City Hall Council Chambers.

Mayor Brown called the meeting to order and led those in attendance in the pledge of allegiance.

Members present were: Mayor Frederick Brown, Jr. and Council members David Good, Annie McMenamin, Robert Brooks and Rich. Parlontieri.

Addition of Agenda Items

Motion was made by Parlontieri that old item 8-90-5, Land Development Ordinance Amendment regarding Prestwick and new item 8-90-6, Land Development Ordinance Amendment regarding Watershed Protection, be combined because of their significant relationship with one another. Motion died for lack of second.

Announcements, Awards, Special Recognitions

Mayor Brown read a proclamation commending high school students and members of the Commission on Children and Youth for their planning and participation in a citywide event called "The Last Fling". Ten young people and five members of the Commission on Children and Youth were present to receive the recognition by Mayor Brown. Larry Gray, Chairman of the CCY, expressed appreciation on behalf of the Commission for the support of the City Council in their efforts.

Mayor Brown presented the Employee of the Month Award for the month of July to Harvey Garcia, employee in the public works department.

Department Reports

Mayor Brown urged the public to review the monthly departmental reports and reported the population to be 21,229.

Old Agenda Items

6-90-4 Amendment to Fence Ordinance regarding Chainlink Fencing

City Manager explained that at a recent meeting the fence ordinance was amended permitting chainlink fencing in the front yard in all residential zoning districts. Staff is concerned that this was not the intent of Council and has recommended a change to what was approved and have submitted an ordinance limiting vinyl coated chainlink fencing in the front yard setback in AR and ER zoning districts only. A proposed ordinance making that change was submitted for consideration.

Motion was made by Good that the changes be adopted. Motion was seconded by Parlontieri. Jim Savage, resident and former councilman addressed Council on the subject. He was concerned that the ordinance was not being

applied uniformly in all residential zoning districts and that AR and ER were being given privileges that perhaps those in R-43 and R-22 zoning districts could do just as well.

Savage pointed out that people have built split rail fences and placed chainlink inside them in several areas of the City and this will now only be permitted in AR and ER. Another issue was that the ordinance has prohibited any other type of wire other than chainlink. He pointed out that hogwire and other types of wire are currently being used. He objected to the proposed ordinance.

Mayor Brown stated that he agreed with Savage and that there was, in his opinion, no intent to limit types of wire but the action at the previous meeting was an attempt to permit chainlink fencing under certain conditions. He didn't think the intent was to permit only chainlink fencing. The Mayor called upon the City Planner, Jim Williams, to comment on the proposal.

Mr. Williams felt Savage had brought up a good point but that if other types of wire were used the wire should be either vinyl or painted. Discussion followed and Mr. Williams stated that his opinion was the ordinance permitted chainlink to be brought into the front yard setback provided it was used in conjunction with another type of fence and that it would be vinyl coated or painted. He felt that if any other type of wire was permitted in this scenario it too should be vinyl coated or painted.

Good stated that he found himself in agreement with the Mayor and Mr. Savage and felt the ordinance did not accomplish what was intended originally. Good stated that he thought the original discussion was to say that wire fencing could not be brought into the front yard unless it was used as part of another type of fence i.e. a fence for keeping pets in.

Motion was made by Mayor Brown that the item be tabled until appropriate language could be provided. Motion was seconded by Good. Motion carried unanimously. Mayor Brown stated that the item was tabled until language could be worked out, hopefully by the September 6th meeting.

8-90-5 Amendment to Land Development Ordinance Section 201(jjj) Prestwick

Mayor Brown explained that this item was added to the last meeting agenda and then tabled to allow time for the staff, Planning Commission and Water and Sewer Authority to study the subject and make a recommendation. The item was a request from Mr. Sam Leveto, developer of proposed cluster housing development known as Prestwick, who asked that the definition of State Waters be amended in the Land Development Ordinance.

The Mayor called on City Engineer, Barry Amos, to present the position of the staff and others. At this time Councilman Good reminded everyone that, due to a possible conflict of interest, he would abstain from any discussion on this item.

City Engineer Amos reported that the Planning Commission and the Water and Sewer Authority had both discussed this item during their meetings this week. Also, the Watershed Protection Committee made up of a member of the

Planning Commission, member of the Water and Sewer Authority, the City Planner, the City Manager. a representative from PCDC, PCDC's engineer, as well as Amos had met twice to consider the Prestwick Development as well as to prepare a recommendation amending the Watershed Protection Ordinance which was the next agenda item.

Amos reported that the various Commissions and committee members felt that the definition needed to be clarified, however, they did not believe the definition offered by Mr. Leveto to be appropriate. The recommendation from the staff and Commission was that there be no change in the ordinance regarding Prestwick.

In response to a question from Parlonteiri, Amos stated that the Department of Natural Resources(DNR) had certified the City's current definition of State Waters in the Watershed Protection Ordinance and that the changes in definition he was recommending in the next agenda item was also acceptable to DNR. The recommended change, however, was not the amendment requested by Mr. Leveto.

Amos stated that even if changes were made to the ordinance as requested by Mr. Leveto, the status of the Prestwick development would not change because a development had to be developed under the regulations it was approved under and Prestwick fell under the current ordinance.

Mr. Barry Bartlett, representing Mr. Leveto, asked several questions. He again brought up the definition change that had been requested and stated that Council had not taken action on that request.

Mr. Bartlett also questioned the status of the Prestwick development and pointed out that there was no watershed protection ordinance on the books at the time the Prestwick plan was first submitted to the city. He pointed to the financial strain that was being put on Mr. Leveto by delays in the approval of the Preliminary Plat for the development.

After further discussion the City Planner, Jim Williams, was asked to provide a chronological explanation of the events regarding Prestwick.

Mr. Williams explained that staff had been talking to Mr. Bartlett and others for approximately one year about a site plan for this property. The problem at that time was the city ordinances did not permit the type of development that was being proposed. Everything on the project stopped and steps were taken to amend the zoning ordinance to permit this type of development because the staff felt what was being proposed were worthy objectives.

Williams stated that the amendment to allow the development was approved on the same day as the Watershed Protection Ordinance so that at the same time the land development standards that would permit this type of development to take place were put in place, they were somewhat constrained by a new watershed ordinance. After that the conceptual plan was redrawn meeting the requirements of the ordinance permitting the development, however, it did not meet the watershed ordinance. This was not detected at the time the conceptual plat was submitted because the staff did not suspect the stream on the property would qualify as a protected stream under the definition in the watershed ordinance. It was only when the Preliminary

Plat was provided with certain engineering information that a flag was raised that there was a potential problem with the stream. This caused a field investigation at which time staff determined the stream did fall under the ordinance. He stated that on the one hand the concept seemed a good idea and it proceeded through to a certain point. After engineering information was made available it then became obvious that there was a problem. The Preliminary Plat had not been approved.

The City Attorney was asked whether the Planning Commission acted appropriately by rescinding approval of the conceptual (site) plan. City Attorney Powell explained that it would not matter whether they could or not because the approval of the Preliminary Plat was required as a prerequisite to development.

Motion was made by Mayor Brown that the definition as presented by Mr. Leveto two weeks ago be denied. Motion was seconded by Brooks. Motion carried with Good abstaining.

New Agenda Items

8-90-6 Amendment to Land Development Ordinance regarding Watershed Protection

City Manager Basinger reported that in March the City Council passed a Watershed Protection Ordinance which established a 25 foot undisturbed natural buffer along any state water and an additional 25 foot buffer around water reservoirs and streams that feed into water reservoirs. Basinger explained that, as a result of new state criteria for watershed protection, staff had prepared a revision to the ordinance and he called upon the City Engineer, Barry Amos, to discuss the item.

Motion was made by Good that the item be tabled because the draft of the rather complex ordinance had only been received late this afternoon, and, in light of the previous agenda item, perhaps additional input should be solicited so that a wise decision could be made on this subject. Motion was seconded by Parlontieri. Motion carried unanimously.

8-90-7 Amendment to Industrial Street Standards

City Manager Basinger directed Council's attention to a letter from the City Engineer proposing new construction standards for industrial streets. He pointed to certain industrial streets that were not holding up under the traffic loads and reviewed the specifications of the new standards which the City Engineer had recommended.

Good stated that he had asked that staff look into this problem because it had been his observation that many of the major streets are requiring more maintenance than they should. He stated that he recognized the new standards would make the cost of the road somewhat more expensive but hopefully they would add significantly to the life of the road thereby decreasing the ongoing cost of maintenance. He stated that he supported the new standards.

Brooks called upon City Engineer Amos to provide an estimate of increased costs using the new standards and an estimate of the increased life of the road. Amos used the example of the reconstruction of Dividend Drive stating that it would add approximately \$32,000 to the cost of the project. He estimated that these standards would add approximately \$21,000 per mile to the cost of road construction. He pointed out that this estimate was based on current asphalt costs. As far as the increased life expectancy of the road, Amos felt this would depend on the traffic on each road. He explained that the road life currently is approximately five years and he would hope to get into the seven to ten year road life with the new standards.

Brooks felt that the State would have statistics on this subject and he would hope that there could be a lot more background on the subject for them. Amos explained that the State did not have a standard road cross section but looked at each project individually based on a formula developed by the American Association of State Highway Officials. He explained, that the standard under consideration did, however, come from the State DOT and it is what they are using for Robinson Road.

Motion was made by Good that the new standards for industrial and major collector roads be adopted. Motion seconded by McMenamin. Motion carried unanimously.

8-90-9 Change in Licensee for Ginza Japanese Restaurant

City Manager Basinger presented application requesting that the Licensee and License Representative on the Alcoholic Beverage License for the Ginza Japanese Restaurant be changed from Sheila Yang to Tong (Tony) Lian Wang.

Basinger explained that Mr. Wang was Vice President/Secretary of the Corporation (Wych-Angco Corporation) dba the Ginza Japanese Restaurant and that he was a resident of Peachtree City. The paperwork was in order and Mr. Wang was present for any questions of Council.

Parlontieri asked Mr. Wang if he had was familiar with the alcoholic beverage regulations regarding the sale of alcohol and Mr. Wang stated that he was.

Motion was made by Parlontieri that the application be approved. Motion was seconded by Brooks. Motion carried unanimously.

8-90-9 Purchase of Police Vehicles

City Manager Basinger called attention to letters from the Police Chief and the Purchasing Agent requesting authority to purchase four police vehicles. He stated the concern was that, although the vehicles would be delivered in the next fiscal year, they need to be ordered by August 28th to ensure delivery and funding was not available in this fiscal year.

Basinger reported that the vehicles were under State Contract, were Ford LTD Crown Victorias, white in color, and would be replacing four vehicles with over \$100,000 miles on them. He stated that the price for the vehicles if ordered now was \$11,429 per vehicle or a total of \$45,716. He reported that last year the City paid \$13,325 per vehicle. He felt that by

ordering now the City would save approximately \$7,584 over what was spent last year and that \$56,000 had been budgeted for 1991 to purchase these vehicles. By purchasing them now at this price there would be savings of \$10,284.

Basinger stated that staff recommended placing the order for the four vehicles now at the State Contract price of \$11,429 per vehicle. He recommended that a temporary transfer be made from the Public Improvement Program from the Highway 74/Crosstown Signalization item to the General Fund to purchase these vehicles and the funds would be replaced after October 1, 1990.

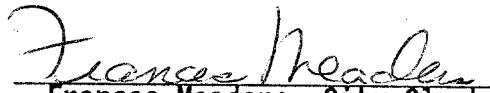
Motion was made by Parlontieri that the recommendation be approved. Motion was seconded by Brooks. Motion carried unanimously.

Motion was made by Mayor Brown that the meeting be recessed to be reconvened in executive session to discuss lawsuits pending of Black, Kelly, Justice/Simon, Samples, Strickland, Anderson and Michel. Motion was seconded by Parlontieri. Motion carried unanimously.

Executive Session

Motion was made by Parlontieri that an offer of \$40,000 be offered in the Black lawsuit, along with other contingencies and stipulations previously offered, as a final settlement offer in the case. Motion was seconded by McMenamin. Motion carried unanimously.

Motion was made by Mayor Brown that the meeting be adjourned. Motion was seconded by Parlontieri. Motion carried unanimously. Meeting was adjourned at 8:15 PM.


Frances Meaders, City Clerk

 Attest
Mayor